

CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, SEPT 10, 2012
7:00P.M.***

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Lee Ritz, Destiny Christian Ministry

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing the 225th Anniversary of the signing of the Constitution of the United States, accepted by Elizabeth Dechant, Regent of the Berks County Chapter, Daughters of the American Revolution; Robert Hillegas, President of the Gov. Hiester Chapter, Sons of the American Revolution; and Bruce Vaughan, Chaplain of the Conrad Weiser Society, Children of the American Revolution
- Council Commendation recognizing the 55th Anniversary of Three Minute Car Wash, accepted by Lyle Greiss, Vice President
- Council Commendation recognizing the 10th Anniversary of the Blacktop Basketball League

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of August 27, 2012

B. AGENDA: Council Meeting of September 10, 2012

5. Consent Agenda Legislation

None

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 88-2012 - amending the 2012 City of Reading general fund budget by authorizing the transfer of pension savings produced by recalculation

of MMO to spending contingency **(Controller)** *Introduced at the August 27 regular meeting*

B. Bill No. 89-2012 - establishing a three-way stop intersection at North 12th and Walnut Streets in the City of Reading, Pennsylvania **(Law)** *Introduced at the August 27 regular meeting*

C. Bill No. 90-2012 - establishing two-way traffic on North 12th Street between Walnut and Elm Streets in the City of Reading, Pennsylvania **(Law)** *Introduced at the August 27 regular meeting*

D. Bill No. 91-2012 - establishing two-way traffic on Walnut Street between North 12th and Birch Streets in the City of Reading, Pennsylvania **(Law)** *Introduced at the August 27 regular meeting*

E. Bill No. 92-2012 - amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading, by redefining the Failure to Appear for Inspection Language for Property Maintenance Inspections **(Law)** *Introduced at the August 27 regular meeting*

F. Bill No. 93-2012 - amending the City of Reading's organizational chart to reflect the current organizational structure **(Law)** *Introduced at the August 27 regular meeting*

G. Bill No. 94-2012 – amending the City of Reading Codified Ordinances Chapter 15 Parking Meters Section 15-502 Parking Meter Zones, Section 15-503 Saturdays, Sundays, Holidays exempted, 15-504 Time of Parking Limited by Zone; Hours of Operation **(Parking Authority/Council Staff)** *Introduced at the August 27 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending the Codified Ordinances Chapter 15, Part 8 Impoundment and Booting of Vehicles authorizing the immediate removal of vehicles that have been booted after receiving a minimum of five unsettled parking tickets **(Parking Authority/Council Staff)**

B. Ordinance - authorizing the Mayor to execute the Memorandum of Understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the CORE Program within Reading **(Law)**

C. Ordinance – transferring funds from contingency account as follows: \$70,000 to the Reading Redevelopment Authority for blighted properties entering the CORE process and \$5,000 for Reading Beautification supporting the city-wide clean-ups. **(Bus Anal)** *To be distributed on Monday*

11. RESOLUTIONS

A. Resolutions – appointing Melissa Eggert to the Board of Ethics (**Nom & Appts**)

B. Resolutions – appointing Pier Ignozzi-Shaffer to the Environmental Advisory Council (**Nom & Appts**)

Pending Legislation

Resolution – extending the lease between the City and the Reading Phillies
(**Law**) *Tabled at the July 9 regular meeting*

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, September 10

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, September 17

Finance, Audit, Budget Committee – Council Office – 5 pm

Public Works, Public Safety, Neighborhood Services Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Monday, September 24

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Budget Meeting Schedule

Monday Sept 17th – Revenue Review

Wednesday Sept 19th – Expenditure Review

Saturday Sept 22nd - “ “

Saturday Sept 29th - “ “

Monday Oct 1st “ “

Wednesday Oct 3rd “ “

Saturday Oct 6th “ “

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 10

Fire Civil Service Board – Penn Room – 4 pm

Shade Tree Commission – Planning Conference Room – 6 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, September 11

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Water Authority Office – 4 pm

Wednesday, September 12

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, September 13

Police Pension Board – Penn Room – 10 am

Monday, September 17

Library Board – 113 S 4th St – 4 pm

Wednesday, September 19

Diversity Board – Penn Room – 4 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, September 20

Blighted Property Review Committee – Council Chambers – 6 pm

Monday, September 24

DID Authority – 645 Penn St 5th Floor – noon

BARTA – BARTA Office – 3 pm

**City of Reading City Council
Regular Business Meeting
Monday, August 27, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Rev. Mike McCabe, of the Kenhorst Seventh Day Adventist Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Managing Director C. Snyder
Mayor V. Spencer
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Recognizing the Rose Corp, accepted by Elaine McDevitt, CEO and Cynthia Bruno, Board of Directors

PUBLIC COMMENT

Council President Acosta announced that there three (3) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules

Mike Reinert, of Wyomissing, announced the Pagoda Foundation celebration event scheduled for September 6th from 6-8 pm. He stated that there will be presentations on the history of the Pagoda. He noted the importance of this

unique landmark. He stated that the Pagoda Foundation was modeled after the Foundation that operates the Museum.

John Hefferon, of Lititz, stated that he is a City landlord and described his bad experience with purchasing a property at a tax sale. He stated that after the sale he learned that the property he purchased had judgments and liens that were not extinguished. He recounted the challenges of owning investment properties in Reading. He also described the various breaks within the Property Maintenance Division and other City offices.

Michael Dugan, of North 12th Street, described the recent Codes Sweep in his neighborhood and questioned why some properties with high grass and weeds did not receive tickets. He expressed the belief that inspectors use selective vision. He suggested that the City properly enforce all its laws and regulations as that may improve the quality of life for residents. He also expressed the belief that any development of Penn Street will be unsuccessful unless the downtown becomes clean and safe.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the August 13th Regular Meeting of Council. He noted the need to add an ordinance for introduction to this evening's agenda that will eliminate meter enforcement during events at the Sovereign Center.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the August 13th Regular Meeting of Council and the agenda for this meeting as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 107-2012 - Hiring Glenn Raudensky as a Firefighter Trainee **(Fire)**

B. Resolution 108-2011- Authorizing a conditional offer of employment to George Morar as a police officer for the Reading Police Department, effective August 27, 2012 **(Police)**

C. Award of Contract - for improvements to the Reading Iron Playground for the Departments of Public Works and Community Development to Purcell Construction, 560 N. 5th Street, Denver, PA 17517, at a total submitted bid price of \$121,991.90 (Purchasing)

D. Award of Contract - for improvements to the Lance Place Playground for the Departments of Public Works and Community Development to Spotts Brothers, Inc., 42 Berger Street, Schuylkill Haven, PA 17972, at a total submitted bid price of \$81,700 (Purchasing)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council earlier in the day. He highlighted the report as follows:

- Update regarding the Reading Beautification clean-ups coordinated by Nigel Walker, Executive Director
- Update on the WFMZ program “Reading from Poverty to Prosperity”
- Announcement of the receipt of a \$250,000 Recycling grant
- Update on the Tax Amnesty program

Councilor Waltman expressed the belief that tagging Reading with the poverty label is unfair as many of Reading’s problems were not created by the City.

Councilor Goodman-Hinnershitz noted that the poverty tag began shortly after the release of the 2010 census. She noted the need to focus on the positive rather than the negative. She described the activity on the forum’s website.

Mayor Spencer stated that the state of poverty is based on one’s perception.

Councilor Reed questioned the forum as it was web-based, which excluded some public participation. She also questioned the number of panelists who actually live in Reading.

Council President Acosta stated that the state of being poor does not prevent a person’s ability to succeed in life. He stated that poverty is just a state of mind.

Council discussed the effect the poverty tag has had on Reading.

Mayor Spencer left the meeting.

AUDITOR’S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2012 Admissions Tax Collection
- 2012 Real Estate Transfer Tax Compensation
- 2012 2nd Quarter Motor Vehicles Codes Collection

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 83-2012 - amending the 2012 General Fund Budget, reallocating funds from the Contingency Fund to the Council Office Codified Ordinance line item **(Council Staff)** *Introduced at the Aug 13 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 83-2012.

Bill No. 83-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,
Waltman, Acosta, President -7
Nays: None -0

B. Bill No. 84-2012 - authorizing the City to enter into an Intergovernmental Cooperation Agreement with other municipalities, to participate in the Berks County MS4 Steering Committee for the purpose of meeting the educational requirements of the 2013-2018 MS4 NPDES Permit and other services as may from time to time be deemed necessary, in order to ensure that proper application/annual reports to the Pennsylvania Department of Environmental Protection are accomplished for renewal of MS4 Permit(s) required of the municipality **(Law)** *Introduced at the Aug 13 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 84-2012.

Bill No. 84-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,
Waltman, Acosta, President -7
Nays: None -0

C. Bill No. 85-2012 - authorizing the City to enter into a Memorandum of Understanding with the Berks County Conservation District which shall serve as a joint commitment between the signatories to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earth disturbance activities in the City of Reading **(Law)** *Introduced at the Aug 13 regular meeting*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 85-2012.

Bill No. 85-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,

Waltman, Acosta, President -7

Nays: None -0

D. Bill No. 86-2012 - amending the Administrative Code, Budget Organization and Content Section by authorizing the Managing Director to temporarily exceed the Position Ordinance under certain conditions **(Man Dir & Council Staff) Introduced at the Aug 13 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 86-2012.

Managing Director Snyder explained that this will allow for succession planning when attrition or retirements occur.

Council President Acosta and Councilor Corcoran thanked the Managing Director for taking a proactive stance.

Bill No. 86-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,
Waltman, Acosta, President -7

Nays: None -0

E. Bill No. 87-2012 - amending the 2012 City of Reading General Fund Budget by authorizing the transfer of funds from the Department of Fire and Rescue Services, Emergency Medical Services Division, Vehicles Line Item and the Department of Fire and Rescue Services, Training Division, Vehicles Line Item to the Department of Fire and Rescue Services, Administration Division, Vehicles Line Item to cover the cost to purchase a staff vehicle **(Fire) Introduced at the Aug 13 regular meeting**

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 87-2012.

Bill No. 87-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,
Waltman, Acosta, President -7

Nays: None -0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of pension savings produced by recalculation of MMO to spending contingency **(Controller)**

B. Ordinance - establishing a three-way stop intersection at North 12th and Walnut Streets in the City of Reading, Pennsylvania **(Law)**

C. Ordinance - establishing two-way traffic on North 12th Street between Walnut and Elm Streets in the City of Reading, Pennsylvania **(Law)**

D. Ordinance - establishing two-way traffic on Walnut Street between North 12th and Birch Streets in the City of Reading, Pennsylvania **(Law)**

E. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading, by redefining the Failure to Appear for Inspection Language for Property Maintenance Inspections **(Law)**

F. Ordinance - amending the City of Reading's organizational chart to reflect the current organizational structure **(Law) To be distributed Monday**

G. Ordinance – amending Chapter 15 of the Codified Ordinances by eliminating the enforcement of parking meters during events. (Council Staff and Parking Authority)

RESOLUTIONS

There were no resolutions on this meeting agenda.

COUNCIL COMMENT

Councilor Corcoran asked the residents of the Reading Iron neighborhood to assist with the maintenance and care of the playground after the improvement project is completed. He noted that the last improvement project was destroyed quickly. He expressed his belief in the skills of the current management team.

Councilor Sterner questioned how someone could purchase a tax sale property without knowing about the existing liens and judgments. He suggested that information about properties be centrally located. He also pointed out that the complaint about selective enforcement of the Quality of Life program has been repeated often.

Councilor Marmarou stated that phase 2 of the Oak Lane clean-up will occur this coming Saturday. He also stated that a neighbor in his block repainted the parking stall lines on the street, after obtaining the proper paint from Public

Works. He stated that stalls help to control parking. He thanked all public safety personnel (police and Albright security) involved in his neighborhood issue last week. He stated that the College Heights Community Council will hold its next meeting on Sunday, September 9th.

Councilor Reed noted the numerous complaints about the home at 1600 Bernville Road, which is across from the District 5 boarder. She stated that the complaints resulted in citations which were appealed to Magisterial District Judge Gauby, who threw the complaints out.

Councilor Reed noted the increase of blighted properties as the number of foreclosures increase. She described the successful block party organized by Mr. Kimball on Hollenbach Street. She also described the recent meeting with the Recreation Commission, Public Works and athletic associations at Baer Park regarding the start of a baseball league.

Councilor Reed stated that she recently received a Quality of Life ticket for storing her trash can behind a large bush on her property.

Councilor Goodman-Hinnershitz noted the restart of the lantern parade in City Park. She thanked Alvernia students for their participation in community clean-ups. She announced the District 2 Town Meeting on Wednesday, September 5th at 6:30 pm. She also announced the Pagoda Foundation event scheduled for September 6th from 6-8 pm. She noted that the Pagoda can be rented for events.

Managing Director Snyder described the Greater Reading Chamber's visit to local large and small businesses with Mayor Spencer.

Council President Acosta announced the upcoming meeting schedule.

Councilor Corcoran moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

City Clerk

Respectfully submitted by Linda A. Kelleher CMC,



MMO/PENSION

TO: Members of City Council
FROM: Christian F. Zale, City Controller
PREPARED BY: Christian F. Zale, City Controller
MEETING DATE: August 27, 2012
AGENDA MEMO DATE: August 21, 2012
RECOMMENDED ACTION: Police and Fire MMO Pension Modifications

BACKGROUND:

The revised Police and Fire MMO for pension calculation will reduce 2012 pension expense by \$1,348,561. Reason: The salary of the uniform employees in the DROP program should not have been recognized in the MMO calculation. The elimination of this salary reduces the MMO the City needs to contribute.

BUDGETARY IMPACT:

Reduce pension expense and transfer savings to the contingency line item

PREVIOUS ACTION:

None

RECOMMENDED BY:

City Controller

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2012

AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF PENSION SAVINGS PRODUCED BY RECALCULATION OF MMO TO SPENDING CONTINGENCY.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2012 Budget by authorizing the transfer of \$1,348,561 from police and fire pension expense to contingency expense.
(See Exhibit A)

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2012

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

	<u>Totals</u>	<u>Totals</u>	
	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Difference</u>
	8,404,142.00	7,055,581.00	
Police	Pension Breakdown	Pension Breakdown	
(28) Criminal Inv	747,710.22	580,787.52	(166,922.70)
(29) Special Serv	143,790.43	111,689.91	(32,100.52)
(30) Patrol	3,738,551.10	2,903,937.62	(834,613.48)
(31) Admin	86,274.26	67,013.95	(19,260.31)
	4,716,326.00	3,663,429.00	(1,052,897.00)
Fire	Pension Breakdown	Pension Breakdown	
(32) Admin	101,517.55	87,871.52	(13,646.03)
(33) Preventive Education	67,678.37	58,581.02	(9,097.35)
(34) Suppress	1,488,924.12	1,288,782.34	(200,141.78)
(XX) Training	16,919.59	14,645.25	(2,274.34)
(35) EMS	524,507.36	454,002.87	(70,504.49)
	2,199,547.00	1,903,883.00	(295,664.00)
TOTAL SAVINGS			(1,348,561.00)

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING A THREE-WAY STOP INTERSECTION AT THE NORTH 12TH AND WALNUT STREETS IN THE CITY OF READING, PENNSYLVANIA

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Intersection of North 12th and Walnut Streets is hereby established as a three-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersection shall come to a complete stop when in compliance with a stop sign and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION FOUR. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING TWO-WAY TRAFFIC ON NORTH 12TH STREET BETWEEN WALNUT AND ELM STREETS IN THE CITY OF READING, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Two-way traffic on North 12th Street between Walnut and Elm Streets, Reading, Pennsylvania, is hereby established.

SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2012

AN ORDINANCE ESTABLISHING TWO-WAY TRAFFIC ON WALNUT STREET BETWEEN NORTH 12TH AND (VACATED) BIRCH STREETS IN THE CITY OF READING, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Two-way traffic on Walnut Street between North 12th and (Vacated) Birch Streets, Reading, Pennsylvania, is hereby established.

SECTION TWO. Any and all ordinances which are contrary to Section One above is/are repealed.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2012

President of Council

Attest:

City Clerk

BILL NO. _____ - 2012

AN ORDINANCE

AMENDING CHAPTER 11, HOUSING, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, BY REDEFINING THE FAILURE TO APPEAR FOR INSPECTION LANGUAGE FOR PROPERTY MAINTENANCE INSPECTIONS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 11, Housing, of the Codified Ordinances is hereby amended to redefine the Failure to Appear For Inspection language for Property Maintenance inspections as attached as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

EXHIBIT A

CHAPTER 11

HOUSING – RENTAL

PART 1

RENTAL

§11-102. Definitions.

This section is amended to change or add the following definitions:

ACTIVELY MARKETING FOR SALE – occurs only when a “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- 1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
- 2) placed weekly or more frequent advertisements in print or electronic media; or
- 3) distributed printed advertisements.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International/City of Reading Building Code [Chapter

5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided,

however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate rental of a premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding

title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trades.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application and/or registering a property as a rental unit.

RENT - compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary.

RENTAL HOUSING PERMIT - A permit issued by the City of Reading Property Maintenance division per the procedure established by this Chapter and the policies created in accordance therewith.

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

RESTITUTION - for the purposes of this Part restitution shall be the amount of the fee due for obtaining of the rental registration.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT - an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see “student home.”

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

VACANT PROPERTY - A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

§11-103. Rental Housing Permit Required.

No person or entity shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for a Rental Housing Permit.

1. Applications for a Rental Housing Permit for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee and a copy of the Deed. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit:

- A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.
- B. The name, business address, date of birth and telephone numbers, (business and mobile), of an authorized local agent and/or property manager.

- C. The owner(s) shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual.
- D. The address of the premises at which the dwelling unit or rooming unit is located.
- E. Identification of the rental unit as a dwelling unit or rooming unit.
- F. The number of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.
- G. A copy of zoning permit authorizing the dwelling unit or rooming unit as a residential unit shall be attached. The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. (See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)
- H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler.
- I. Proof of current participation of the property address in the City of Reading recycling program.
- J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.
- K. The owner shall furnish with the Application for Rental Housing Permit photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon. If there are changes subsequently made to the floor plan, the owner shall submit a revised floor plan, drawn to scale, with the next application (for re-issue or renewal) submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions
- L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part.

- M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division.
 - N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application.
2. Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.
- A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.
 - (i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.
 - (ii) If the subject property had a valid "Housing Permit" as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.
 - B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.
 - C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.

§11-105. Annual Renewal of Rental Housing Permit.

1. Effective January 2, 2012, each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permit shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee.
2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage for the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.
3. Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per rental unit for each month or fraction thereof following the said deadline. Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.
4. Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.
5. In the event of revocation of the Rental Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.
6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.
7. In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for a Rental Housing Permit.

1. A Rental Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.
2. The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.
3. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Rental Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Rental Housing Permit.

1. The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.
2. The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.
3. A notice of a revocation of a Rental Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.
2. A Rental Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new Rental Housing Permit to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new Rental Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.
3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.
4. The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided hereinabove shall result in the imposition of non-compliance surcharge of \$1,000 per unit to the application fee. In addition, written notice of non-compliance shall be mailed to the new owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 day from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.
5. Upon payment of the fees and surcharges set forth in subsection 4 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of

said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-109. Inspection.

1. Initial Inspection.

- A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental Housing Permit and receipt of payment of the applicable fee the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.
- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Housing Permit is issued.

2. Renewal Inspections

- A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program.
- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in

the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.

- C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Rental Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit.

3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances.

4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report.

5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

- 7. Failure to Appear for Inspection.** If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent, shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner failing to supply

written notice or appear. If the property owner or authorized agent fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or authorized agent fails to appear for ~~the a~~ *a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry*, the Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Rental Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

- A. Name, mailing address and telephone number (business and mobile) of owner.
- B. Name, mailing address and telephone numbers (business and mobile) of local authorized agent.
- C. Number of dwelling units-permitted
- D. Date of last application inspection.
- E. Date of last inspection.
- F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- G. Date of issuance of permit.
- H. Date of required renewal of permit.
- I. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The Rental Housing Permit or an identical, clear and legible photocopy thereof shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§11-112. Reserved.

§11-113 Occupation of Premises Without Rental Housing Permit.

1. **Prohibition.** It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current Rental Housing Permit is obtained for such dwelling unit or rooming unit.

2. **Surcharge.** In the event an authorized City official determines that a dwelling or rooming unit is being occupied unlawfully under this Chapter a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be mailed to the owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

A. It shall be the duty of every owner and operator, authorized agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

- B. It shall be unlawful for any person or entity to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without a valid and current Rental Housing Permit.
- C. It shall be the responsibility of every owner, operator, authorized agent or manager to employ policies and manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

§11-116 - Fees for Rental Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a Rental Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the units.

3. Prosecution of Violation.

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

§11-117 - Vacant Property Registration

1. A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property Maintenance Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.
2. The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.
3. Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.

4. Vacant property registrations shall be valid for a period of one year and are required to be renewed on or before the end of the year on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee as per the City of Reading Fee Schedule shall be required at the time of renewal.

5. Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.

6. Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.

7. Failure to register a property as vacant as defined herein will render said property as an illegal unit and subject to the same penalties as outlined in §11-113 Occupation of Premises Without Rental Housing Permit.

§11-118 Tenant Information.

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Housing Permit the owner, on or before April 1 and September 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a Rental Housing Permit, the full name, unit, floor or

apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students.

2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit.

3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required.

4. Failure to provide the required information or failure to update such information as required by this Part are hereby made subject to the penalties set forth in this Part.

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be mailed to or personally served on the owner with a copy to the registered, authorized agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to the address of record of the owner and registered, authorized agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must be performed through the County of Berks Assessment Office. The address of record of the authorized agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the authorized agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part.

§11-120. Placarding and Condemnation

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a Rental Housing Permit has not been obtained or for which an inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§11-121. Disruptive Conduct.

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within 10 working days of the occurrence of the alleged disruptive conduct.
2. **Appeals.** ~~The occupant and/or owner shall have 10 working days from the date of receipt of a Disruptive Conduct Report to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Administrator of the Property Maintenance Division. An appeal of the second disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second Disruptive Conduct Report.~~ *Eviction. After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.*
3. **Eviction.** ~~After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.~~ *Suspension or Revocation of Rental Housing Permit. Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.*
4. **Suspension or Revocation of Rental Housing Permit.** ~~Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore. .~~ *Reinstatement of Rental Housing Permit. The rental unit involved shall not have its Rental Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Rental Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.*
5. **Reinstatement of Rental Housing Permit.** ~~The rental unit involved shall not have its Rental Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per~~

~~the provisions of this Part which require suspension or revocation, a Rental Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.~~ ***Report Against All Occupants.*** *The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.*

6. ~~**Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.~~ ***Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.*** *The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.*

7. ~~**Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.~~

8. ~~**Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a Disruptive Conduct Report or the revocation of a Rental Housing Permit resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Administrator of the Property Maintenance Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.~~

§11-122. Housing Board of Appeals.

1. **Appeals.** *The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a Rental Housing Permit may appeal. to the housing Board of Appeals. Such All* appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, *as per the City of Reading Fee Schedule*, within 10 working days from the date of receipt of the disruptive conduct report or notice of *suspension, nonrenewal, denial or revocation of a Rental Housing Permit.*

2. Organization.

A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner of a rental unit(s) in Reading; an

occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.

- B. **Alternates.** There shall be three alternate members: an owner, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
 - C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
 - D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.
 - E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.
 - H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.
3. **Powers.** The Board shall have the following powers:
- A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
 - B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances,

undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

- D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.
- 4. **Effect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a Rental Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report.
 - 5. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the Rental Housing Permit pursuant to the provisions set forth in this Part.

§11-123. Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be

served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

§11-124. Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

§11-125. Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinances [Chapter 27].

BILL NO. _____ - 2012

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ORGANIZATIONAL CHART TO REFLECT THE CURRENT ORGANIZATIONAL STRUCTURE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Organizational Chart shall be amended to reflect the current organizational structure detailed in the attached Exhibit "A".

SECTION 2: This Ordinance shall become effective in ten (10) days after its approval, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

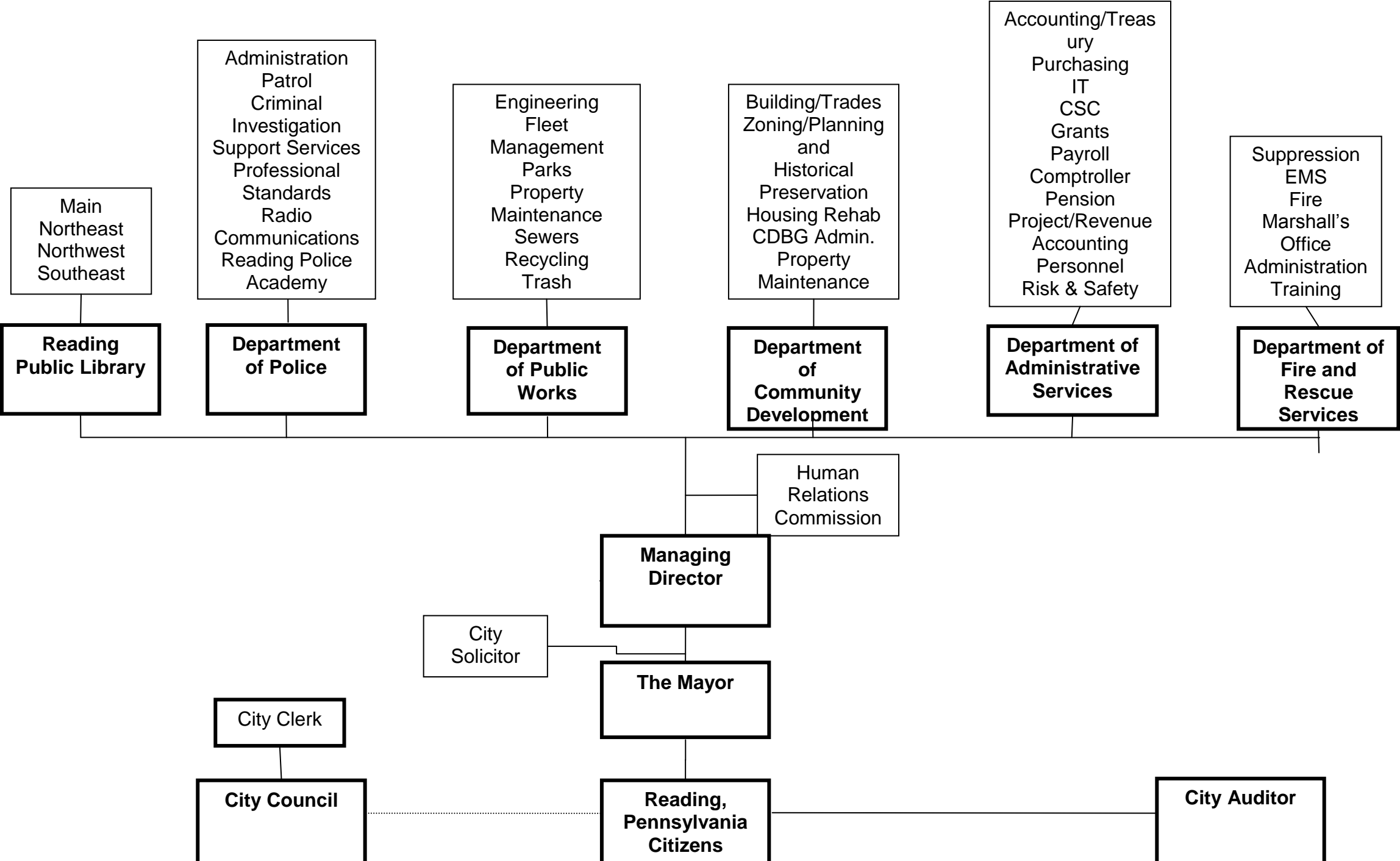
Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



BILL NO. _____-2011
AN ORDINANCE

**AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 15 PARKING METERS SECTION §15-502 PARKING
METER ZONES, SECTION §15-503 SATURDAYS, SUNDAYS,
HOLIDAYS EXEMPTED, §15-504 TIME OF PARKING LIMITED
BY ZONE; HOURS OF OPERATION.**

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15, Parking Meters Section §15-502 Parking Meter Zoned, Section §15-503 Saturdays, Sundays, Holidays Exempted, §15-504. Time of Parking Limited by Zone; Hours of Operation as follows:

§15-502. Parking Meter Zones Established; Traffic Control Maps.

All municipal parking lots operated by the City of Reading or the Parking Authority of the City of Reading.

A. Parking meter zones shall be established and set forth by legend on the traffic control maps of the City; the provisions of this Section shall not become effective until the adoption of the traffic control maps by Council.

B. Parking meter zones are hereby established on the following streets, highways and blocks in the City of Reading and on municipal parking lots operated by the City or the Parking Authority of the City of Reading, as follows:

(1) Parking Meter Zone Number One (1 Hour Parking).

Cherry Street - ~~800, 600~~, 500, 400

Penn Street - 400, 500, ~~700, 800~~, 900

~~Washington Street - 700, 800~~

Court Street - 300, 400, 500, ~~600, 700, 800~~ (500 has a mix of 30 minutes and 1 hour)

Walnut Street - 400, 50

Reed Street- 100

Elm Street - 500

Church St- 000

South Third Street - 000

South Fourth Street - 000

North Fourth Street 000

South Fifth Street - 100

North Sixth Street - ~~000~~, 100

South Sixth Street - 000

South Eighth Street - 000

North Eighth Street -100

South Ninth Street - 000

North Ninth Street - 000

(2) Parking Meter Zone Number Two (2 Hour Parking).

Cherry Street – 300, ~~600, 800~~
Penn Street - 200, 300, ~~700, 800~~
Franklin Street - 400, 500
Court Street – 200, ~~600, 700, 800~~
Walnut Street - 600, 700, 800
North Third Street - 000 (Meters added by Chiarelli Garage)
North Fifth Street -100, 200, 300
South Sixth Street – ~~000~~, 100
North Sixth Street – ~~000~~, 200
~~South Eighth Street – 000~~
North Ninth Street – ~~000~~, 100
~~South Ninth Street – 000~~
Washington Street – ~~700, 800~~ and 100 [Ord. 3-2007]

(3) Parking Meter Zone Number Three (½ Hour Parking).

Court Street - 500
North Fifth Street - 000
East side of North Fifth Street from Court Street to Washington Street.
North side of Court Street from North Fifth Street to Church Street (Post Office).
(Ord. 14-2001, 5/29/2001; as amended by Ord. 85-2006, 11/27/2006, §1; and by Ord. 3-2007, 2/12/2007, §1)

§15-503. Saturdays, Sundays and Holidays Excepted.

Parking restrictions and limitations in any parking meter zone are exempted on Saturdays, Sundays and on the holidays of New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Eve and Christmas unless otherwise posted.; ~~however, enforcement on parking meter zones in the following areas will not be exempted in the following blocks on any days or evenings when events are scheduled for the Sovereign Center:~~

~~000 South, 000 North 6th St.~~
~~000 South 8th St.~~
~~000 South, 000 North 9th St.~~
~~600, 800 Cherry St.~~
~~700, 800 Penn St.~~
~~600, 700, 800 Court St.~~
~~700, 800 Washington St.~~

§15-504. Time of Parking Limited by Zone; Hours of Operation.

On all days, other than those set forth in §15-503, parking in Parking Meter Zone 1 is hereby limited to a period of 1 hour(s) and in Parking Meter Zone 2 a period of 2 hours, and in Parking Meter Zone 3 a period of 30 minutes between the hours of 8:00 a.m. and 6:00 p.m. (Ord. 14-2001, 5/29/2001)

~~On Saturdays, Sundays and Holidays when events are scheduled for the Sovereign Center meter enforcement will occur from 8 a.m. to 8 p.m. on the following blocks:~~

~~000 South, 000 North 6th St.~~

~~000 South 8th St.~~

~~000 South, 000 North 9th St.~~

~~600, 800 Cherry St.~~

~~700, 800 Penn St.~~

~~600, 700, 800 Court St.~~

~~700, 800 Washington St.~~

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

President of Council

Attest:

City Clerk

(Council Office & Parking Authority)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Reading Parking Authority Memo

To: Reading City Council

From: Lawrence Lee

Executive Director, Reading Parking Authority

Date: Friday August 24, 2012.

Re: Eliminate 24 Hr. Period for Booted Vehicles

Background

Currently the Parking Authority is empowered to boot and/or tow scofflaw vehicles in accordance with the City Ordinance 15-811. Upon finding a vehicle with five (5) or more open violations the vehicle may be booted for a period of 24 hours and subsequently towed.

Previous Action Required / Completed

The current booting procedure allows too much time for the booted vehicle to remain on the street. The RPA has seen an increase in stolen boots. In the last two years a total of eight (8) parking boots were stolen. The boots range from \$400 to \$600 in value.

Review and Recommendation

The RPA is also seeking to move its operation from the criminal process to a civil process with tickets. The RPA will need a mechanism to collect payment for outstanding tickets. By moving to the civil process warrants and jail time will no longer be an option to motivate people to obey the law. The mechanism needed is to have the ability to boot and tow a scofflaw parker or a credit collection dodger. Booting and towing in the same day provides motivation for illegal parkers to obey the rules and avoid tickets. This will also save boots due to the fact that all of the stolen boots happened overnight during the 24 hr. period. The RPA will still have discretion with applying the boot with regards to tickets accumulated in a short period of time (i.e. someone on vacation).

Recommended Motion

Approve a resolution amending the city ordinance 15-811 to allow a booted vehicle to be towed at any time within a 24 hour period.

BILL NO. _____-2012
AN ORDINANCE

**AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 15 PARKING METERS SECTION §15 PART 8
IMPOUNDMENT AND BOOTING OF VEHICLES
AUTHORIZING THE IMMEDIATE REMOVAL OF VEHICLES
THAT BEEN BOOTED AFTER RECEIVING A MINIMUM OF
FIVE UNSETTLED PARKING TICKETS.**

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15, Part 8 Impoundment and Booting of Vehicles authorizing the immediate removal of vehicles that have been booted after receiving a minimum of five unsettled parking tickets, as attached in Exhibit A.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2012

President of Council

Attest:

City Clerk

(Council Office & Parking Authority)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

B. Booting of Motor Vehicles.³

§15-811. Definitions.

As used in this Part, the following words shall have the following meanings:

BOOT, BOOTING or BOOTED - the act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which will cause no damage to such vehicle unless it is moved while such device is in place or such means are employed.

UNSETTLED PARKING VIOLATIONS - outstanding violation(s) of this Part or the Pennsylvania Motor Vehicle Code for which citation(s) have been filed with a District Justice and a summons has been issued to which either no response has been made or for which a warrant has been issued and including adjudicated citation(s) where the fine and costs imposed are unpaid.

(Ord. 14-2001, 5/29/2001)

§15-812. Boot Installation.

Any vehicle or conveyance parked within the City upon any public ground at any time may, by or under direction of a Parking Enforcement Officer or member of the Department of Police be booted if there are five or more unsettled parking violations pending against the owner of the vehicle or conveyance on file with a District Justice or the Reading Parking Authority. *The booted vehicle may be towed by the Parking Authority any time after the boot is installed.*

(Ord. 14-2001, 5/29/2001; as amended by Ord. 46-2008, 6/23/2008, §1)

~~§15-813. Notice of Booting.~~

~~Upon booting of such motor vehicle, the officer shall cause to be placed on the vehicle in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized, and that any attempt to move the vehicle might result in damage to the vehicle. The notice shall also outline the procedure for obtaining removal of the boot. As soon as practicable the owner of the booted vehicle shall be provided, at his request, with a list of the unsettled parking violations on account of which, such vehicle was booted.~~

~~(Ord. 14-2001, 5/29/2001)~~

§15-814. Boot Removal Hearing.

1. The owner of a booted vehicle or other authorized person shall be permitted to secure release of the vehicle upon:

A. Depositing of the collateral required for an appearance before a District Justice to answer for each unsettled parking violation.

B. Paying the amount of the fine, penalty and court costs, if any, for each unsettled parking violation.

C. The payment of fees as required by §15-816.

2. The owner of a booted vehicle or other authorized person, shall have the right to a post-immobilization hearing limited to the determination of the validity of the booting. Such hearing shall be requested within 15 days after the vehicle is booted and shall be conducted by the Executive Director of the Parking Authority. The hearing shall be held during normal business hours within 1 business day of the demand thereof, or as soon as practical. The post-immobilization hearing shall not be determinative of or adjudicate the merits of any citation issued relative to any immobilized vehicle but shall be limited solely to whether the vehicle was properly subject to booting under the provisions of this Part.

(Ord. 14-2001, 5/29/2001)

§15-815. Booting *or Towing* and Storage of Vehicles.

The Reading Area Parking Authority may immediately tow any vehicle that is booted for having a minimum of five (5) unsettled parking tickets. The booted vehicle may be towed by the Parking Authority any time after the boot is installed. ~~The boot shall remain in place for 24 hours unless the owner has complied with §15-804. If such compliance has not occurred within the 24 hours, the vehicle shall be towed and stored.~~ If the booting occurs when a vehicle is parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and storage. Towing and storage fees, as specified in this Chapter shall be paid, along with fees specified in §15-814 before the owner of such vehicle or authorized person, shall be permitted to repossess or secure the release of the vehicle. Unclaimed within 60 days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law.

(Ord. 14-2001, 5/29/2001)

§15-816. Booting Fee.

The owner of a booted vehicle shall be subject to a fee in an amount as established from time to time by resolution of City Council for such immobilization in addition to any outstanding fines, which fee shall be paid prior to removal unless otherwise ordered in accordance with §15-814.

(Ord. 14-2001, 5/29/2001)

§15-817. Tampering with Boot Prohibited.

Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this Part, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured shall be, upon conviction thereof, sentenced to pay a fine of not less than \$500 nor more than \$1,000 plus costs of repairing or replacing said device, together with the cost of prosecution, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. (*Ord. 14-2001, 5/29/2001; as amended by Ord. 22-2006, 3/13/2006, §1*)

§15-818. Implementation and Enforcement.

This Part shall be enforced by the Reading Parking Authority whose Executive Director shall have authority for implementing the parking enforcement provisions thereof and to promulgate such rules and regulations as are necessary therefore, which regulations shall become effective upon approval by Council. (*Ord. 14-2001, 5/29/2001*)

§15-819. Right to Hearing Not Waived.

Nothing in this Part shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations for which citations have been issued. (*Ord. 14-2001, 5/29/2001*)

BILL NO. _____ 2012
AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE READING BERKS ASSOCIATION OF REALTORS AND THE CITY OF READING FOR THE CREATION OF THE CORE PROGRAM WITHIN READING.

WHEREAS, the Reading Berks Association of Realtors proposed the Community Reinvestment (CORE) Program to City Council, the Administration and the Reading Redevelopment Authority in early 2011; and

Whereas, the CORE Program is modeled after the Selling City Owned Properties Efficiently (SCOPE) Program used successfully in Baltimore, and the Reading Berks Association of Realtors recognized that that same success could be achieved in Reading; and

Whereas, after several work group meetings with the Reading Berks Association of Realtors, the City recognizes that the Core Program could assist the City in improving its housing stock and could help to reduce the number of vacant and blighted properties within the City; and

Whereas, the CORE Program is designed to create a simplified and cost effective process for putting vacant and underutilized properties back into productive use. The program engages local real estate agents to list and sell the properties via the multiple listing service (MLS) to responsible buyers, who will rehabilitate the properties within 18 or fewer months of the settlement.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute the attached Memorandum of Understanding as attached in Exhibit A that sets the program criteria and guidance on the implementation of the CORE Program.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

“EXHIBIT A”

LPG-CORE

LOCAL PROJECT GUIDELINES

This form recommended, approved AND RESTRICTED for use
in the CORE Project of the Pennsylvania Association of REALTORS® (PAR).

Selling Municipality/Entity: City of Reading

By signing below, the individual(s) preparing these local project guidelines on behalf of the municipality or entity acknowledge having received and read the Local Project Guidelines Information and Instructions

Document (Form LPG/I-CORE) provided by the members of the local CORE Project committee, and further acknowledge that any REALTORS® involved in discussions regarding these guidelines and criteria did not engage in any anti-competitive behavior or collaboration during this process.

Signature _____

Mayor

Signature _____

RRA Executive Director

Name _____

Name _____

Title _____

Title _____

Date _____

Date _____

Signature _____

President R-BAR

Name _____

Title _____

Date _____

1. Types of Properties to be Sold

- ☐ Existing single-family residential suitable for occupation (%)
- ☐ Existing single-family residential in need of substantial renovations (%)
- ☐ Existing multi-family (%)
- ☐ Vacant lots (single) (%)
- ☐ Vacant lots suitable for large-scale development (%)

- ☐ Existing or potential commercial/industrial sites (%)

2. Selecting Eligible Listing Agents

A) Number of Potential Listing Agents

- ☒ Multiple agents will be eligible to list properties (e.g., a pool of eligible agents will be selected)
- ☐ A single agent will be selected to handle all listings

Municipality/Entity: City of Reading , page 2

Date: _____

B) When to Select Agents

- ☐ The eligible agent(s) will be selected prior to the selection of properties
- ☒ A listing agent will be selected each time a property is going to be sold

C) Membership & Educational Criteria

- | | |
|---|--|
| <input checked="" type="checkbox"/> All listing agents must be REALTOR® Members | <input type="checkbox"/> Listing agents do not have to be REALTOR® members |
| <input checked="" type="checkbox"/> All listing agents must earn the CORE designation | <input type="checkbox"/> Listing agents do not have to earn the CORE designation |

- ☒ Listing agents must meet the following additional criteria:

Full time

Three years experience

Member of Reading-Berks Association

A considerable amount of transactions within the City of Reading

3. Selecting Properties to List

A) Describe your local goals for the CORE Project:

*Through the use of a CORE Task Force, the City aims to
Restore properties to productive use;
Encourage purchase by owner-occupants;
Encourage planned development; and
Enhance the tax base*

B) Describe the process for selecting the properties to be listed through the CORE Project:

The City will provide a list of selected properties for determination. The CORE Task Force will meet at least quarterly to discuss this list.

4. Pricing Properties

- ☐ We will request a comparative market analysis (“CMA”) from multiple prospective listing agents
- ☒ We will obtain one CMA from the selected listing agent
- ☐ We will *not* use CMAs, but will obtain full appraisals for each property from certified appraisers
- ☐ We will *not* use CMAs or appraisals, and will establish listing prices internally

Describe the process for selecting providers of CMAs/appraisals, and for establishing the listing price: *(NOTE: state law says real estate licensees may not provide CMAs if they do not have a realistic opportunity to obtain the listing.)*

CMA will be given by listing agent. The listing price will take into account the CMA as well as the rehab cost. The rehab costs will be held by the lender and paid to the buyer as various portions of the rehab is completed.

Municipality/Entity: City of Reading , page 3

Date: _____

5. How to Distribute Listings to Listing Agents

Describe the process for distributing listings among prospective listing agents:

Selection will be completed on a rotating basis based on an initial interview.

6. Fees and Listing Broker Terms/Conditions

A) Standard Contract/terms

- ☒ We will establish standard listing terms for all listings
- ☐ We will negotiate terms individually for each listing

- ☒ We will use the PAR listing contract modified for CORE (Form XLS-CORE)
- ☐ We will use whatever contract is presented by the listing agent
- ☐ We will use local counsel to draft our own proprietary listing contract

B) Listing Period

(NOTE: Listing period can never be longer than 1 year, and cannot have an automatic extension)

- ☒ Listing Period will be the same for all listings: **1 year**
- ☐ Listing Period will be negotiated for each listing
- ☐ Listing Period will differ based on type of listing (e.g., land, single-family, commercial, etc.)

Describe the listing period for each type of property:

C) Broker's Fee (total fee, including cooperating broker compensation)

- ☐ Listing Broker's Fee will be the same for all listings:

-
- ☒ Listing Broker's Fee will be negotiated for each listing
 - ☒ Listing Broker's Fee will differ based on type of listing (e.g., land, single-family, commercial, etc.)

Describe Listing Broker's Fee for each type of property:

The Broker's Fee will based on a hybrid percentage rate/flat fee

- 1) Cooperating Broker Compensation (a portion of total Broker's Fee, above)

☐ Cooperating Broker Compensation will be the same for all listings:

☒ Cooperating Broker Compensation will be negotiated for each listing

☒ Cooperating Broker Compensation will differ based on the type of listing (e.g., land, single family, commercial, etc.)

Describe Cooperating Broker Compensation for each type of property:

Municipality/Entity: City of Reading, page 4

Date: _____

D) Protection Period

☒ Protection Period will be the same for all listings: **60 days**

☐ Protection Period will be negotiated for each listing

☐ Protection Period will be different based on the type of listing (e.g., land, single-family, commercial, etc.)

Describe Protection Period for each type of property:

E) Additional Terms and Conditions

7. MLS Exposure

☒ CORE properties will be included in the Multiple Listing Service (MLS). Listings will include

one or more photographs and the street address of the property.

☐ CORE properties will not be included in the MLS. Failure to include the property in the MLS may reduce the number of potential buyers who are made aware of the property.

8. Buyer Criteria

A) Criteria for Buyer Representatives

☒ We will not restrict which agents may work as buyer agents/~~selling agents~~.

☒ Buyer representatives should review CORE educational materials available to buyers

☐ Buyer representatives should review the following information provided by sellers:

☐ We will instruct listing agents to **ONLY** present us with offers from buyer agents who meet the following criteria (and from no others):

B) Buyer Preferences

☒ We will offer preferences to owner-occupants

☐ Exclusive listing period for owner-occupants: _____ Days

☒ Other preferences, benefits or incentives available only to owner-occupants (list):

Neighborhood Housing Programs

Reduce Transfer Tax from 3.5% to 1%

Retap

Building and Trades permit reduced from 1.5% to 1%

☐ Other preferences, benefits, incentives or limitations based on type of buyer (identify types of buyers and the limitations/benefits):

C) Buyer Eligibility Guidelines

1. ☒ Buyers should complete CORE educational materials for buyers

☒ Buyers must submit a completed PAR Buyer's Financial Information form (Form BFI- CORE)

Municipality/Entity: City of Reading, page 5

Date: _____

☒ We may attach a locally prepared addendum with additional questions to be answered

☐ Buyers must submit a qualification form developed by local counsel

2. ☐ Buyers must submit the following information in addition to, or instead of, a pre-drafted form:

Describe the overall criteria that will be used to screen potential buyers. Include items that will automatically disqualify buyers, and as much as possible, describe how other criteria will be evaluated:

All sales are intended for residential purposes only. Buyers will be limited to individuals looking to buy homes who intend to rehab the properties and use them as owner occupied. The City will not consider buyers who are tax delinquent, have had properties determined or certified as blighted or who are or have been otherwise repeatedly in violation of any City ordinances.

9. Governmental or Private Incentives

The following incentives may be available to purchasers (please identify the program, benefit, restrictions (if any) and where to find additional information):

NHS: Home Ownership Program – Available for first time home buyers. This program provides assistance with down payment/closing costs as well as up to 20% purchase price (2nd mortgage)

NHS: Keystone Renovate and Repair Program - Must own the home. This program will help finance rehab up to \$35,000. Does not have to be low income.

State programs –Subject to availability

DCED – Subject to availability

KOZ – Subject to availability

10. Rehabilitation, occupancy and resale restrictions

☒ There will be rules/restrictions on rehabilitation (timelines, criteria, etc.)

Describe the review process and any criteria to be applied (e.g., what plans should include, where should plans be submitted, what criteria will be used to review them, and whether pre-approval will be necessary for a fully executed purchase agreement):

The City will incorporate into each individual sales agreement the rehab work that needs to be performed including the timelines and criteria for the work. Zoning plans must be submitted directly to the Zoning Hearing Board. The City of Reading One Stop program is available where appropriate.

- ☒ Occupancy restrictions/requirements will be imposed (e.g., limits on rental use)
Describe restrictions/requirements, including any sanctions for non-compliance:

Restriction – owner occupied only

If the rehab work is not completed in a timely fashion, there will be a one-time only 90 day extension granted upon request. Otherwise, the property will revert back to the

Municipality/Entity: City of Reading, page 6

Date: _____

City within 1 year. A financial damages clause for non-compliance will be included in the sales agreement.

- ☐ Resale restrictions/requirements will be imposed (e.g., resale purchasers must comply with the same restrictions as the original purchaser)
Describe restrictions/requirements, including any sanctions for non-compliance:

There will be a Deed restriction of owner occupancy and a continuing reversion clause placed on all properties. An owner can apply to the City of Reading to have the Deed restriction lifted after the tax abatement period has ended. Should a property be found to not have an owner occupancy use, the City will petition the Court of Common Pleas to have the property reverted back to the City.

11. Standard Forms

- ☒ We will use the following PAR Standard Forms:
- ☒ Listing Contract (Form XLS-CORE)
 - ☒ Seller Property Disclosure (Form SPD)
 - ☒ Hold Harmless Agreement (Form HHA-CORE)
 - ☒ Buyer's Financial Information (Form BFI-CORE)
 - ☒ Agreement of Sale (Form ASR-CORE) and related addenda

☐

☐

- ☐ We will use the following forms drafted by local counsel:

☐

☐

☐ _____

☐ _____

12. Seller Negotiation Procedures

Please include both names and titles to help identify specific individuals

Written offers will be presented to: *Solicitor*

Initial offers will be responded to within: *5 days*

Counteroffers may be made by: *Solicitor*

Criteria for counteroffers:

Final approval/rejection by: *City Council/Redevelopment Authority within 30 days*

Process for approval/rejections (eg., vote of board or committee, approval by single individual, etc.):

Municipality/Entity: City of Reading, page 7

Date: _____

Approvals or rejections will be by majority vote of City Council and the Redevelopment Authority.

Estimated time period for final approval/rejection (e.g., X days from submission, voting body meets only once a month, etc.): *Approximately 35 days*

_____ **ADDITIONAL INFORMATION**

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:

That Melissa Eggert is appointed to the Board of Ethics with a
term ending November 8, 2013.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:

That Pier Ignozzi-Shaffer is appointed to the Environmental
Advisory Council with a term ending August 27, 2015

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk